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12/10/02

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Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

# REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	08/822,033
Filing Date	March 24, 1997
First Named Inventor	W. Marasco
Art Unit	1632
Examiner Name	J. Weitach
Attorney Docket Number	43471-RCE2

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

## 1. Submission required under 37 CFR 1.114

RECEIVED

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on DEC 02 2002  
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on TECH CENTER 1600/2900
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other \_\_\_\_\_

## 2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other \_\_\_\_\_

## 3. Fees

The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 50-0850
- i. ☐ RCE fee required under 37 CFR 1.17(e) 11/29/2002 NMOHAMMI 00000144 08822033
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 740.00 OP
- iii. ☐ Other \_\_\_\_\_
- b. ☒ Check in the amount of \$ 740.00 enclosed Adjustment Date: 04/23/2003 KZEWDIE  
12/03/2002 DJACOBS 00000001 500050 08822033  
01 FC:1251 110.00 CR
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

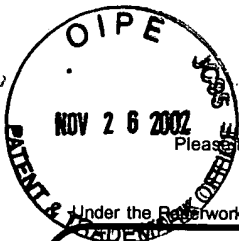
Name (Print/Type)	Ronald I. Eisenstein	Registration No. (Attorney/Agent)	30,628
Signature	<i>Ronald I. Eisenstein</i>	Date	<u>11/26/02</u>

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Dulcie M. Lawrence	Date	<u>11/26/02</u>
Signature	<i>Dulcie M. Lawrence</i>		

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



Please type a plus sign (+) inside this box → ☐

PTO/SB/21 (08-00)

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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number

08/822,033

Filing Date

March 24, 1997

First Named Inventor

W. Marasco

Group Art Unit

1632

Examiner Name

J. Woitach

Attorney Docket Number

43471-RCE

Total Number of Pages in This Submission

RECEIVED

DEC 02 2002

TECH CENTER 1600/2900

## ENCLOSURES (check all that apply)



Fee Transmittal Form



Fee Attached



Amendment / Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)



Response to Missing Parts/ Incomplete Application



Response to Missing Parts under 37 CFR 1.52 or 1.53



Assignment Papers (for an Application)



Drawing(s)



Licensing-related Papers



Petition



Petition to Convert to a Provisional Application



Power of Attorney, Revocation Change of Correspondence Address



Terminal Disclaimer



Request for Refund



CD, Number of CD(s) \_\_\_\_\_



After Allowance Communication to Group



Appeal Communication to Board of Appeals and Interferences



Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)



Proprietary Information



Status Letter



Other Enclosure(s) (please identify below):

Request for Continued

Examination (RCE)

Transmittal; Copy of

Petition for Extension of

Time filed in parent case.

Remarks

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm

or

Individual name

Ronald I. Eisenstein, Reg. No. 30,628

Signature

*Ronald I. Eisenstein*

Date

11/26/02

## CERTIFICATE OF MAILING

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Typed or printed name

Dulcie M. Lawrence

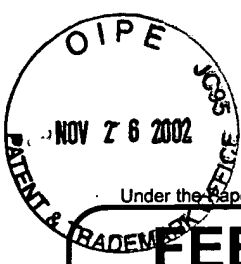
Signature

*Dulcie M. Lawrence*

Date

11/26/02

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PTO/SB/17 (11-01)  
Approved for use through 10/31/2002. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 740.00

## Complete if Known

Application Number 08/822,033  
Filing Date March 24, 1997  
First Named Inventor W. Marasco  
Examiner Name J. Woitach  
Group Art Unit 1632  
Attorney Docket No. 43471-RCE2

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DEC 02 2002

TECH CENTER 1600/2900

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account: ☒ Charge any deficiencies

Deposit  
Account  
Number  
Deposit  
Account  
Name

50-0850

Nixon Peabody LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101 740	201 370	Utility filing fee	
106 330	206 165	Design filing fee	
107 510	207 255	Plant filing fee	
108 740	208 370	Reissue filing fee	
114 160	214 80	Provisional filing fee	

SUBTOTAL (1) (\$ )

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims  -20\*\* =  X  =   
Independent Claims  -3\*\* =  X  =   
Multiple Dependent  =

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 84	202 42	Independent claims in excess of 3
104 280	204 140	Multiple dependent claim, if not paid
109 84	209 42	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$ )

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing a request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,280	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(q)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))	
179 740	279 370	Request for Continued Examination (RCE)	740
169 900	169 900	Request for expedited examination of a design application	

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ ) 740

## SUBMITTED BY

Name (Print/Type) Ronald I. Eisenstein

Registration No. 30,628  
(Attorney/Agent)

## Complete (if applicable)

Telephone 617.345.6054

Signature

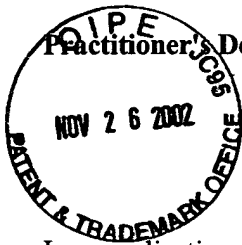
*Ronald I. Eisenstein*

Date

11/26/02

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PRACTITIONER'S DOCKET NO. 43471 -RCE2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

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DEC 02 2002

TECH CENTER 1600/2900

In re application of: Marasco, et al.

Application No.: 08/822,033

Filed: March 24, 1997

Group No.: 1632

Examiner: J. Woitach

For: NUCLEIC ACID DELIVERY SYSTEM, METHODS OF SYNTHESIS AND USE THEREOF

Box RCE

Assistant Commissioner for Patents

Washington, D.C. 20231

### EXPRESS MAIL CERTIFICATE

"Express Mail" label number EL565096837US

Date of Deposit: November 26, 2002

I hereby state that the following *attached* paper or fee

Transmittal Form (PTO/SB/21) (1 pg)

Fee Transmittal for FY 2002 (PTO/SB/17) (1 pg)

Request for Continued Examination (RCE) Transmittal (PTO/SB/30)(1 pg)

Amendment (5 pp)

Copy of Petition for Extension of Time (1 pg)

Check for \$740.00

Return Receipt Postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, on the date indicated above and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Dulcie M. Lawrence

  
Signature of person mailing paper or fee